

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

RICHARD STRAWDERMAN,

Case No. 3:18-cv-00609-MK  
**ORDER**

Petitioner,

v.

RICHARD IVES,

Respondent.

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AIKEN, District Judge:

Magistrate Judge Jolie Russo has filed her Findings and Recommendation (“F&R”) (doc. 10) recommending that respondent’s Motion to Dismiss (doc. 8) should be GRANTED and the Petition for Writ of Habeas Corpus pursuant to U.S.C. § 2241 (doc. 2) should be Dismissed. Magistrate Judge Russo also recommended that, alternatively, the petition should be denied on the merits. The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).


No objections have been timely filed. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final decision.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*,

*United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, \*1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory Committee, I review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); see also *United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule). Both parties have filed timely objections to the F&R (docs. 68 and 69) as well as timely responses to those objections (docs. 70 and 71). Having reviewed the file of this case and Magistrate Judge Russo’s F&R, I find no clear error.

Thus, I adopt Magistrate Judge Russo’s F&R (doc. 10) in its entirety. Accordingly, respondent’s Motion to Dismiss (doc. 8) is GRANTED. This Petition is dismissed.

IT IS SO ORDERED.

Dated this 24 day of October, 2018.

  
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Ann Aiken  
United States District Judge